

June 27, 2001

I hope this clarifies any questions or concerns that my colleagues or the public might have regarding these provisions.

HONORING REVEREND JOHN L. FREESEMANN'S 25TH ANNIVERSARY OF ORDINATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Ms. LOFGREN. Mr. Speaker, I rise to congratulate Reverend John L. Freeseemann of the Holy Redeemer Lutheran Church in San Jose, California, on the 25th Anniversary of his Ordination. On the 27th day of June, 1976, Reverend John L. Freeseemann was ordained in the Lutheran Church. For 25 years he has served both his parish community and the people of Santa Clara County faithfully and devotedly.

Reverend John Freeseemann has been a tireless advocate of ecumenism in San Jose and the surrounding communities; he has provided a decade of responsible leadership as a board member and past president of the California Council of Churches, and is a founding member and the current president of California Church Impact. Reverend Freeseemann has also served for eight terms as president of the Santa Clara County Council of Churches. Reverend John Freeseemann gives tirelessly of his time and talents to support children and families as a founding member, two-term vice president, and current president of Resources for Families and Communities in Santa Clara County.

As the pastor of Holy Redeemer Lutheran Church for 11 years, Reverend Freeseemann has established his San Jose parish as a place of safety, of compassion and of hope. Under his loving guidance, Holy Redeemer has expanded its ministries to the community at large.

I wish to congratulate Reverend John L. Freeseemann on this, the 25th Anniversary of his Ordination, and to thank him for his many years of service to the people of San Jose. Our community is the richer for his faithful service.

INTRODUCTION OF THE BIOTECHNOLOGY AND AGRICULTURE IN THE DEVELOPING WORLD ACT OF 2001

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I am introducing a bill to establish a grant program under the Secretary of Agriculture to support research and development programs in agricultural biotechnology to address the food and economic needs of the developing world.

My bill recognizes the great potential of agricultural biotechnology to combat hunger, malnutrition, and sickness in the developing world

EXTENSIONS OF REMARKS

and provides the mechanism to encourage the pursuit of this exciting technology.

Portions of the developing world are facing a pandemic of malnutrition and disease; 200 million people on the African continent alone are chronically malnourished. Traditional farming practices cannot meet the growing needs of the developing world. Africa's crop production is the lowest in the world and even with about two-thirds of its labor force engaged in agriculture, Africa currently imports more than 25 percent of its grain for food and feed.

Biotechnology offers great promise for agriculture and nutrition in the developing world. Vitamin-enhanced foods, foods higher in protein, and fruits and vegetables with longer shelf-lives have been developed using biotechnology. Biotechnology can promote sustainable agriculture, leading to food and economic security in developing nations. Biotechnology can help developing countries produce higher crop yields while using fewer pesticides and herbicides. My bill does not encourage the development of pesticide-resistant crops.

An added benefit of increased yields through biotechnology is that increased productivity on existing crop land reduces the amount of land that needs to be farmed as well as the need for new crop acreage, which can greatly slow the rate of habitat destruction. Since most food production and farming in the developing world is done by women, such an increase in productivity also enables women to spend their time on other productive activities and better care for their families.

Biotechnology can also improve the health of citizens of developing countries by combating illness. Substantial progress has been made in the developed world on vaccines against life-threatening illnesses, but, unfortunately, infrastructure limitations often hinder the effectiveness of traditional vaccination methods in some parts of the developing world. For example, many vaccines must be kept refrigerated until they are injected. Even if a health clinic has electricity and is able to deliver effective vaccines, the cost of multiple needles can hinder vaccination efforts. Additionally, the improper use of hypodermic needles can spread HIV, the virus that causes AIDS. Biotechnology offers the prospect of orally delivering vaccines to immunize against life-threatening illnesses through agricultural products in a safe and effective manner.

My bill establishes a grant program under the Foreign Agricultural Service in the Department of Agriculture to encourage research in agricultural biotechnology. Eligible grant recipients include historically black colleges and universities, land-grant colleges, Hispanic serving institutions, and tribal colleges or universities. Non-profit organizations and consortia of for-profit and in-country agricultural research centers are also eligible.

I encourage my colleagues to support this important piece of legislation.

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30TH ANNIVERSARY OF THE INTERNATIONAL ARTS FESTIVAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. TOWNS. Mr. Speaker, I rise on the occasion of the 30th anniversary of the International African Arts Festival which annually contributes to the Brooklyn community through weekend long cultural events.

For the past thirty years, the International African Arts Festival has brought together those who wish to enjoy the music, dance, art, craft, flavors, colors, laughter, and love of the African Diasporan family as well as visitors from across the globe. Born on a stage, the festival grew into a block party. However, soon thereafter the location changed once again to the Boys and Girls High field.

In an effort to give back to the community, the International African Arts Festival holds an annual talent search, in which cash prizes and performance contracts are awarded to young people. The talent search has helped to launch the careers of several young stars. In addition, the Festival has awarded over \$23,000 in annual scholarships to graduating high school seniors over the past eleven years. The International African Arts Festival is also responsible for the success of the Living Legends Award as well as the Ankh Award, both bestowed upon leaders and inspirational figures in the community.

The International African Arts Festival is committed to maintaining a connection with African tradition itself. A traditional African libation ceremony officially opens the Festival each year in salute to the spirit of the African ancestors. Over the course of its thirty years, the International African Arts Festival has brought a wealth of world-class entertainment to Brooklyn stages. The Festival maintains a deep connection with the residents of Brooklyn, employing over 300 people every year.

Mr. Speaker, for the past thirty years the International African Arts Festival has been an integral part of the community. As such, the Festival is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable event.

U.S. POSTAL SERVICE LINKS ACROSS AMERICA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. SHAW. Mr. Speaker, the U.S. Postal Service links together cities and towns, large and small, across America through delivery of the mail. Since our nation's founding, mail delivery has been especially important to rural America, places that were at first a long walk away, then a long horse ride, and even for years a long automobile ride from the nearest downtown of a major city. The Internet today has helped reduce the distance between cities, and even countries, but mail delivery continues to be an important function for all Americans.

Most Americans, probably, are unaware that for decades rural letter carriers have used their own transportation to deliver the mail. This includes rural letter carriers who today drive their own vehicles in good weather and bad, in all seasons, in locations that can range from a canyon bottom to mountain top, ocean view to bayou. Rural letter carriers drive over 3 million miles daily and serve 24 million American families on over 66,000 rural and suburban routes. The mission of rural letter carriers has changed little over the years, but the type of mail they deliver has changed substantially—increasing to over 200 billion pieces a year. And although everyone seems to be communicating by email these days, the Postal Service is delivering more letters than at any time in our nation's history. During the next decade, however, we know that will change.

Electronic communication is expected to accelerate even faster than it has in the last five years. Some of what Americans send by mail today will be sent online. According to the General Accounting Office (GAO), that will include many bills and payments. In its study, U.S. Postal Service: Challenges to Sustaining Performance Improvements Remain Formidable on the Brink of the 21st Century, dated October 21, 1999, the GAO reports that the Postal Service's core business—letter mail—will decline substantially. As a result, the revenue the Postal Service collects from delivering First-Class letters also will decline.

While the Internet will eventually reduce the amount of letter mail rural letter carriers deliver, the Internet will present some new opportunities for delivering parcels. Rural letter carriers have for decades delivered the packages we order from catalogs, and now they deliver dozens of parcels every week that were ordered online. For some rural and suburban Americans the Postal Service still remains the only delivery service of choice. Today, the Postal Service has about 33 percent of the parcel business. However, if the Postal Service is as successful as it hopes in attracting more parcels, that could create a problem for rural carriers. Most items ordered by mail are shipped in boxes that, once filled with packing materials, can be bulky—so bulky, in fact, that many rural letter carriers already see the need for larger delivery vehicles.

In exchange for using their own vehicles, rural letter carriers are reimbursed for their vehicle expense by the Postal Service through the Equipment Maintenance Allowance (EMA). Congress recognized this unique situation in tax legislation as far back as 1988. That year Congress intended to exempt EMA from taxation through a specific provision for rural letter carriers in the Technical and Miscellaneous Revenue Act of 1988 (TAMRA). This provision allowed rural mail carriers to compute their vehicle expense deduction based on 150 percent of the standard mileage rate for their business mileage use. Congress passed this law because using a personal vehicle to deliver the U.S. Mail is not typical vehicle use. Also, these vehicles have little resale value because of their high mileage and most are outfitted for right-handed driving.

As an alternative, rural letter carrier taxpayers could elect to use the actual expense

method (business portion of actual operation and maintenance of the vehicle, plus depreciation). If the EMA exceeded the actual vehicle expense deductions, the excess was subject to tax. If EMA fell short of the actual vehicle expenses, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer's adjusted gross income.

The Taxpayers Relief Act (TRA) of 1997 further simplified the taxation of rural letter carriers. TRA provides that the EMA reimbursement is not reported as taxable income. That simplified taxes for approximately 120,000 taxpayers, but the provision eliminated the option of filing the actual expense method for employee business vehicle expenses. The lack of this option, combined with the effect the Internet will have on mail delivery, specifically on rural letter carriers and their vehicles, is a problem we must address.

Expecting its carriers to deliver more packages because of the Internet, the Postal Service already is encouraging rural letter carriers to purchase larger right-hand drive vehicles, such as sports utility vehicles (SUV). Large SUVs can carry more parcels, but also are much more expensive to operate than traditional vehicles—especially with today's higher gasoline prices. So without the ability to use the actual expense method and depreciation, rural carriers must use their pay to cover vehicle expenses. Additionally, the Postal Service has placed 11,000 postal vehicles on rural routes, which means those carriers receive no EMA.

All these changes combined have created a situation contrary to the historical Congressional intent of using reimbursement to fund the government service of delivering mail, and also has created an inequitable tax situation for rural letter carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. I believe we must correct this inequity, and so I am introducing a bill that would reinstate the deduction for a rural letter carrier to claim the actual cost of the business use of a vehicle in excess of the EMA reimbursement as a miscellaneous itemized deduction.

In the next few years, more and more Americans will use the Internet to get their news and information, as well as receive and pay their bills. But mail and parcel delivery by the United States Postal Service will remain a necessity for all Americans—especially those in rural and suburban parts of the nation. Therefore, I encourage my colleagues to support this bill and ensure fair taxation for rural letter carriers.

INTRODUCTION OF THE CLASS ACTION FAIRNESS ACT OF 2001

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2001

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friends from Virginia, Mr. BOUCHER and Mr. MORAN, and the Chairman of the Judiciary

Committee, Mr. SENSENBRENNER, the Class Action Fairness Act of 2001.

This much-needed bipartisan legislation corrects a serious flaw in our federal jurisdiction statutes. At present, those statutes forbid our federal courts from hearing most interstate class actions—the lawsuits that involve more money and touch more Americans than virtually any other litigation pending in our legal system.

The class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in cases where there are small harms to a large number of people, which would otherwise go unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions have been used with an increasing frequency and in ways that do not promote the interests they were intended to serve.

In recent years, state courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various states, the same class might be certifiable in one state and not another, or certifiable in state court but not in federal court. This creates the potential for abuse of the class action device, particularly when the case involves parties from multiple states or requires the application of the laws of many states.

For example, some state courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend itself. Other state courts employ very lax class certification criteria, rendering virtually any controversy subject to class action treatment. There are instances where a state court, in order to certify a class, has determined that the law of that state applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that state applicable nationwide.

The existence of state courts which broadly apply class certification rules encourages plaintiffs to forum shop for the court which is most likely to certify a purported class. In addition to forum-shopping, parties frequently exploit major loopholes in federal jurisdiction statutes to block the removal of class actions that belong in federal court. For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive federal law claims or shave the amount of damages claimed to ensure that the action will remain in state court.

Another problem created by the ability of state courts to certify class actions which adjudicate the rights of citizens of many states is that oftentimes more than one case involving the same class is certified at the same time. In the federal court system, those cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in state courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases makes the other